

# *MNSP Webinar*

## *Shoreline Permitting*

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**MICHIGAN NATURAL SHORELINE PARTNERSHIP**  
Promoting Natural Shoreline Landscaping to Protect Michigan's Inland Lakes

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# Housekeeping

- All lines will be muted
- Questions can be sent to us via the question/chat box
- We will record webinar and post online

# Welcome and Introductions



- Julia Kirkwood
  - Water Resources Division Non-Point Source Unit
  - MNSP Outreach and Education Sub-committee Co-Chair



- Bethany Matousek – Part 301, Inland Lakes and Streams, Program Coordinator

# Introduction

## *MNSP Shoreline Permitting Webinar*

- Shoreline Educator Network
  - A perk
- Purpose
  - Keep “SEN” Informed
  - Review & Update
  - Help “SEN” better connect with homeowners



# Agenda

- Review of Applicable Laws (*Parts 301, 303 and 91*)
- Permit System – *What's the Difference?*
- Recent Shoreline Permitting Updates
- Bio-engineering Minor Permit Category
- Permit Application Help



# Applicable State Laws for Shorelines

- Part 301 Inland Lakes and Streams
  - Ordinary High Water Mark
  - Regulated Activities
- Part 303 Wetlands Protection
  - How Do I Know if a Wetland Exists?
- Part 91 Soil Erosion and Sedimentation Control



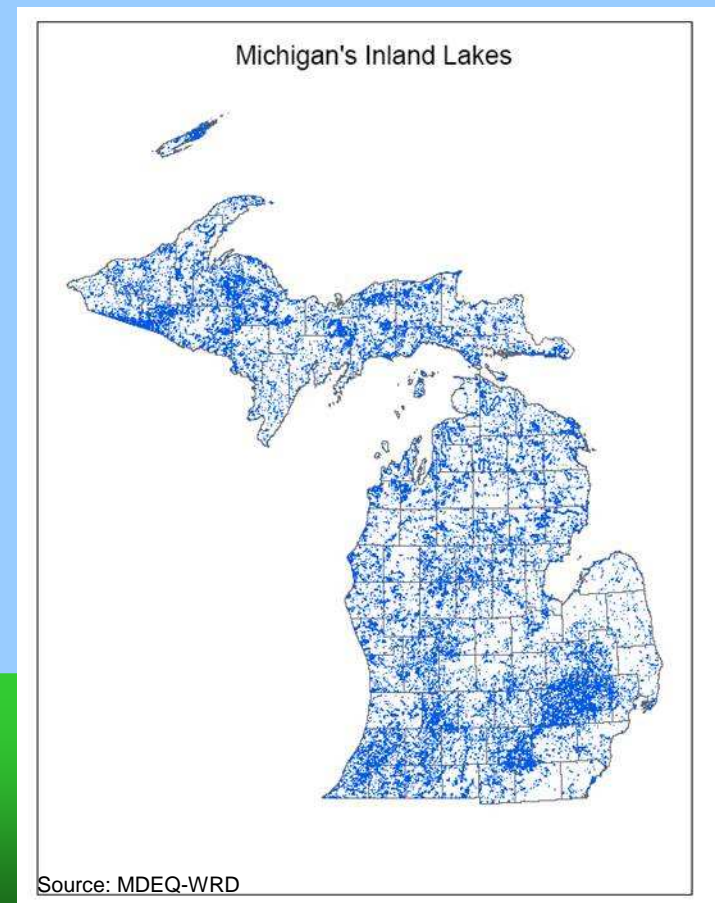
## Part 301, Inland Lakes and Streams



*Protects Michigan's 36,000 miles of streams and 11,000 lakes by regulating work in them.*

## Part 301: *Inland Lake Definition*

A natural or artificial lake, pond, or impoundment with a surface area of 5 or more acres.





# Part 301: Ordinary High Water Mark (OHWM)

**Most projects below the OHWM are regulated under Part 301**

A line that stays as the water levels change



Line between upland and bottomland that persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly.

Leaves Evidence





# Identifying the Ordinary High Water Mark *Vegetation Indicator*



**OHWM**



# Identifying the Ordinary High Water Mark

## *Non-vegetation Indicator*



**Stain on seawall indicates the OHWM.**

**Boat Ramp**



Photo: Kip Cronk

**Seawall**



Photo: Kip Cronk

**Permanent Dock**



Photo: Theresa Custodio

## Part 301

### ACTIVITIES REQUIRING A PERMIT

(NOT A COMPLETE LIST)

Swimming Areas  
Navigational Aid  
Permanent Boat Hoist  
Ponds  
Utility Crossing  
Dam  
Removing a structure  
Drawdown  
Dry Fire Hydrant

**Bioengineering**

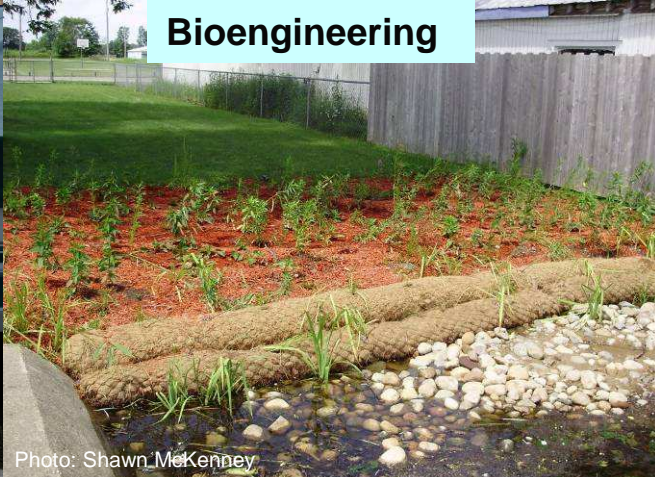
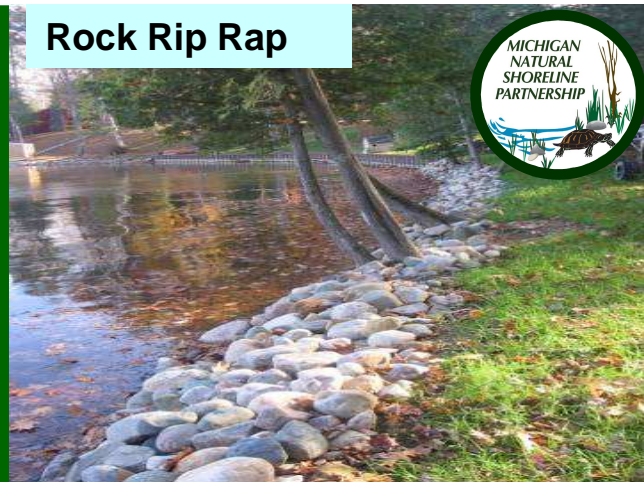


Photo: Shawn McKenney

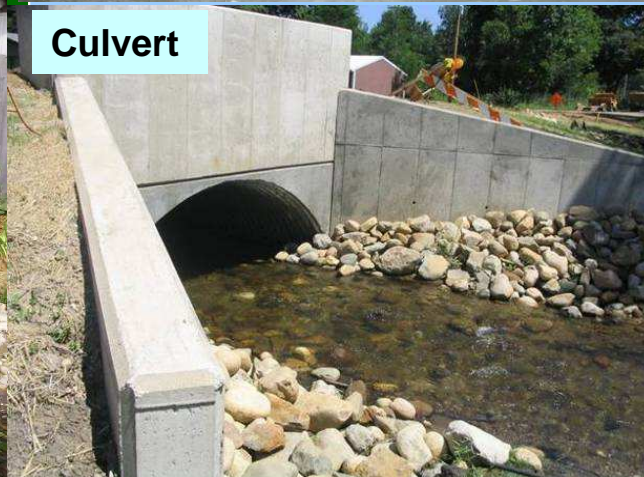
**Rock Rip Rap**



**Bridge**



**Culvert**



# Part 303, Wetlands Protection

In 1979, the Michigan legislature passed the Goemaere-Anderson Wetlands Protection Act, 1979 PA 203, which is now Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.



- Over 50% of Michigan's original wetlands have been drained or filled.
- 5.5 Million acres of wetlands remain; approximately 15% of the State's landmass.



# Part 303: Wetland Definition

*Land that has water at a frequency and duration sufficient to support, under normal circumstances, wetland vegetation or aquatic life.*

***Commonly referred to as a:  
bog, swamp, or marsh.***



Forested Wetland



# Part 303:

## Criteria for Determining a Wetland in Michigan

- *Predominance of Wetland Vegetation*
- *Evidence of Hydrology*
- *Hydric Soils*



Part 303 requires that wetland delineation follow the US Army Corps of Engineers 1987 Wetland Delineation Manual, and appropriate regional supplements.

*Where do I go for help?*

[www.michigan.gov/wetlands](http://www.michigan.gov/wetlands)

Wetlands Map Viewer

Wetland Identification Program



# Part 303, Wetlands Protection

*Requires permits for activities within wetlands to protect values and functions.*

*Regulated activities include dredging, filling, draining, and construction activities or maintaining a use in a wetland.*

## Which wetlands are regulated?

- 5 acres or larger in total size
- Connected to a lake, stream or pond
- Located within 500 ft. of a lake, stream, or pond
- Located within 1000 ft. of a Great Lake



# Part 91, Soil Erosion and Sedimentation Control Permit

→ Administered by Local or County Enforcing Agency

[www.michigan.gov/soilerosion](http://www.michigan.gov/soilerosion)

→ Permit required when earth-change occurs within 500 feet of a waterbody



Photo: Matt Siler-MDEQ-WRD

# Questions?



**created a new 3-tiered permitting system for:**

## Part 325 – Great Lakes Submerged Lands



# The Three Permit Tiers

MP/GP documents are available at:

[www.mi.gov/wetlands](http://www.mi.gov/wetlands)

1) **General Permit (GP):**

No more than minimal individual and cumulative impacts, typically no site inspection (i.e., desktop review), no wetland compensatory mitigation, no public notice.

2) **Minor Project (MP):** Minor individual and cumulative impacts, typically site inspection, may require compensatory mitigation, no public notice.

3) **Individual Permit:** Typically larger scale, potentially more and/or greater resource impacts, typically compensatory mitigation, public notice period required.  
(aka Major Project or Public Notice Projects)

# Goals of 3 Tiered Permit System:

1. Establish Clear Conditions and Criteria – Limit Flexibility
2. Provide incentives to applicants to minimize impacts by offering expedited review timelines and reduced costs
3. Reduce staff time spent on projects that have minimal individual and cumulative resource impacts

# **The Process:**

- **Established Team of DEQ Experts**
- **Reviewed categories with Stakeholders**
- **Public Noticed in February of 2011**
- **Reviewed Public Comments**
- **Met again with Stakeholders**
- **Issued Categories on August 12, 2011**



Photo N. Deskins



# The Result

The Department currently has:

- 22 General Permit Categories
- 49 Minor Project Categories
- ... and growing (several categories were added in 2012)



MP/GP documents  
are available at:  
[www.mi.gov/wetlands](http://www.mi.gov/wetlands)

# Major Changes to MP/GPs

- Reduction in New and Maintenance Dredging
- Expansion of Wetland Fill Categories
- Expansion of Wetland Restoration Categories
- No Category for NEW Vertical Seawalls
- No Category for Groin Structures
- Improved BMPs for Culvert Installations

# Seawall Changes

- No expedited category for new seawalls
- Replacements are limited to 200 feet
- Now require an Individual Permit
  - Public notice period
  - Increased application fee

# What are some of the impact associated with seawalls?

- Wildlife migration barriers
- Disconnection of land/water interface
- Impacts to fish spawning beds
- Impacts to neighboring properties
- Cumulative impacts to lake water quality

Questions?



# DEQ Inland Lakes Permit:

## Bio-engineering Minor Project Category

*Created to encourage  
bioengineering on  
inland lake shorelines*

Ford Lake,  
Washtenaw County



Jane Herbert, MSU Extension

Gull Lake, Kalamazoo  
County



Michigan Natural Shoreline Partnership  
[www.mishorelinepartnership.org](http://www.mishorelinepartnership.org)

Photo: Jane Herbert MSU Extension



# Bioengineering Practices for Stabilization of Inland Lake Shorelines, Minor Project Category

Provides Guidance On:

- *Suitability of Locations*
  - ex. Longest unobstructed distance across the lake from the site is less than 1 mile
- *Site is NOT adjacent to a heavily used boat access point or marina*
- *Site is NOT located on a point, headland or island where erosive forces are high*



**MP Category NOT applicable to Great Lakes Shorelines**

# Bioengineering Practices for Stabilization of Inland Lake Shorelines, Minor Project Category

*Allows for specific “soft” practices and limits rock*

This MP category includes these practices:

- Fiber rolls, fiber mats, live stakes, brush mattresses, brush bundles and native plantings
- Field stone or rock (max diameter 24”) along a max of 25% of the shoreline
- Use of barriers or wave breaks up to 5’ from the shoreline to aid in establishing biological erosion control structures or plantings
- Maintenance of previously permitted bioengineered shoreline areas



**Rock  
diameter  
smaller than  
24” = ok to  
use**

# Bioengineering Practices for Stabilization of Inland Lake Shorelines, Minor Project Category

## **Criteria for all Projects:**

<b><i>Length Limit:</i></b>	Less than 500 linear feet per project
<b><i>Height Limit:</i></b>	N/A where top of bank is greater than 3 feet above the OHWM
<b><i>Plants:</i></b>	All vegetation/plantings native to Michigan
<b><i>Engineered plant materials:</i></b>	Such as jute and coconut fabric can be of non-native materials
<b><i>Excavation &amp; backfill:</i></b>	Allowed only where necessary to stabilize slopes and place bioengineering structures
<b><i>Securing of materials:</i></b>	All materials firmly staked with biodegradable materials to prevent movement due to ice, wind, waves, or high water

The category shall not be used to alter existing shorelines with wetland and/or aquatic vegetation, or to establish a beach area

Questions?



# Application and Processing

**All Projects** Require a Permit Application

General Permit Authorization (appears just like our standard permit)

Minor Project Permit (standard permit form)

US Army Corps of Engineers (USACE)				Michigan Department of Environmental Quality (MDEQ)			
AGENCY USE	Previous USACE Permit or File Number	Date Received	Land and Water Management Division, MDEQ File Number		AGENCY USE		
	USACE File Number		Pre-application Number or Marina Operating Permit Number				
	District Office		Fee received \$				
Read instructions pages I - III. All of the following boxes below must be checked and information provided for the application to be processed:							
<input type="checkbox"/> All items in Sections 1 through 9 are completed <input type="checkbox"/> Date project was started							
<input type="checkbox"/> Items in Sections 10 through 21 that apply to the project are completed <input type="checkbox"/> Application fee is attached							
<input type="checkbox"/> Dimensions, volumes and calculations are provided <input type="checkbox"/> All requested supplementary attachments (*) are included							
<input type="checkbox"/> Reproducible location map, site plan(s), cross sections and photographs are provided, one set must be black and white on 8 1/2 by 11 inch paper.							
<input type="checkbox"/> List any additional attachments, tables, etc.:							
<b>1 PROJECT LOCATION INFORMATION</b>							
Refer to your property's legal description for the Township, Range, and Section information, and your property tax bill for your Property Tax Identification Number(s).							
Site location Address (road, if no street address)		Zip Code	Township Name(s)	Township(s)	Range(s) Section(s)		
City/Village	County(ies)	Property Tax Identification Number(s)					
Name of Waterbody	Project Name or Job Number	Subdivision/Plot	Lot Number	Private Claim			
Project types (check all that apply): <input type="checkbox"/> private building addition <input type="checkbox"/> public/government building <input type="checkbox"/> industrial building renovation or restoration <input type="checkbox"/> commercial river restoration <input type="checkbox"/> multi-family <input type="checkbox"/> project is receiving Federal transportation funds <input type="checkbox"/> other (explain)							
The proposed project is on, within, or involves (check all that apply): <input type="checkbox"/> a stream <input type="checkbox"/> a pond (less than 5 acres) <input type="checkbox"/> a Great Lake or Section 10 Waters <input type="checkbox"/> a legally established County Drain (date established) (M/D/Y) <input type="checkbox"/> a river <input type="checkbox"/> a channel/canal <input type="checkbox"/> a designated high risk erosion area <input type="checkbox"/> a dam <input type="checkbox"/> a new marina <input type="checkbox"/> a ditch or drain <input type="checkbox"/> an inland lake (5 acres or more) <input type="checkbox"/> a designated critical dune area <input type="checkbox"/> a wetland <input type="checkbox"/> a utility crossing <input type="checkbox"/> a floodway area <input type="checkbox"/> a 100-year floodplain <input type="checkbox"/> a designated environmental area <input type="checkbox"/> 500 feet of an existing waterbody							
<b>2 DESCRIBE PROPOSED PROJECT AND ASSOCIATED ACTIVITIES, AND THE CONSTRUCTION SEQUENCE AND METHODS (attached additional sheets)</b>							
Written Summary of All Proposed Activities:							
Construction Sequence and Methods:							
<b>3 APPLICANT, AGENT/CONTRACTOR, AND PROPERTY OWNER INFORMATION</b>							
Owner/Applicant (individual or corporate name)			Agent/Contractor (firm name and contact person)				
Mailing Address			Address				
City	State	Zip Code	City	State	Zip Code		
Daytime Phone Number with Area Code	Cell Phone Number		Daytime Phone Number with Area Code	Cell Phone Number			
Fax	E-mail		Fax	E-mail			
<input type="checkbox"/> No <input type="checkbox"/> Yes Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project?							
* If no, attach letter(s) of authorization from all owners. A letter signed by each property owner authorizing the agent/contractor/other owner to act on his or her behalf or a copy of easements or right-of-ways must be provided. If multiple property owners, also attach a list of all owners along with their names, mailing addresses, and telephone numbers. If the applicant is a corporation, a corporate officer must provide written document authorizing any agent/contractor listed above to act on its behalf. A letter of authorization must be provided from an owner receiving dredge spoils on their property, or where access through their property is required.							
Property Owner's Name (if different from applicant)			Mailing Address				
Daytime Phone Number with Area Code	Cell Phone Number		City	State	Zip Code		
<input type="checkbox"/> No <input type="checkbox"/> Yes Is there a MDEQ conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property in the project area?							



# Permit Application

Michigan has authority to administer the  
Federal Section of Part 404

## Translation



Only **1** permit application is necessary from the State of Michigan - DEQ (except in Section 10 waters and coastal areas). This covers both federal and state requirements

JOINT PERMIT APPLICATION  
& INSTRUCTIONS:

[www.michigan.gov/jointpermit](http://www.michigan.gov/jointpermit)



# Application EZ Guides

EZ Guides are intended to provide a simplified list of the necessary information needed to submit a complete application for certain minor project categories.

This helps to streamline the application preparation process.

[www.mi.gov/jointpermit](http://www.mi.gov/jointpermit)

**FOR GUIDANCE USE ONLY**  
**Bioengineering Project on Inland Lakes**

REGULATORY REFERENCE	
Part 301. Inland Lakes & Streams <u>Minor Permit Project Category 1</u>	FEE
	\$50

**GENERAL GUIDANCE**

You must answer **True** to **all** of the following statements for application to qualify as a minor permit, and to use this guide:

- The project must be located on an inland lake shoreline and the project shall not exceed 500 linear feet in length
- Viable plant material must be plant species native to Michigan, and engineered materials shall be made of inert plant fiber along the shoreline
- The project only includes excavation and filling necessary to establish a stable slope and place bioengineered structures
- Riprap used shall not cover more than 25% of the length of the project, and shall be < 24 inches in diameter
- Temporary wave breaks shall not be placed more than 5 feet from the shoreline, and must be constructed and anchored with biodegradable materials
- Existing lake shore height does not exceed 3 feet, project does not alter or destroy existing wetland or expand beach areas.

These projects are not recommended where conditions do not warrant bioengineering, and where the following conditions exist:

- The longest unobstructed distance across the lake is more than one mile
- The proposed project is located adjacent to a heavily used boating access site or marina
- The proposed project is located on an unprotected point, headland, or island where wind, ice, and wave energy is high

**APPLICATION REQUIREMENTS**

**Note: On-line users can go to the appropriate section or drawing by pressing the indicated button**

The following Sections of the Permit Application must be completed:

➤ Sections 1-9      ➤ Section 10D

If you answer Yes to any of these questions, complete the section of the application indicated.

Will you be placing fill along the shoreline?      ➤ Section 10A

Will you be excavating the shoreline, or watercourse?      ➤ Section 10B

Will riprap be placed along the shoreline?      ➤ Section 10C

Include the following drawing:      Include the following site plan and cross-section drawing:

➤ Site Location Map      ➤ Bio-Log Site Plan      ➤ Bio-Log Cross-Section

# APPLICATION PROCESSING TIME FRAMES:

	Part 301, Inland Lakes and Streams	Part 303, Wetlands Protection
Application completeness review	30 days	30 days
Time to make a decision after the application is deemed complete	60 days	90 days
If a public hearing is held	Additional 60 days	Additional 60 days

# APPLICATION FEE SCHEDULE

	PART 301	PART 303
<b>GP</b> – <i>General Permit</i>	\$50	\$100
<b>MP</b> – <i>Minor Project</i>	\$50	\$500
<b>IP</b> – <i>Individual Permit</i>	\$500 - 2,000	\$500 – 2,000

Fee information can be found at [www.michigan.gov/jointpermit](http://www.michigan.gov/jointpermit)



Monday, October 25, 2004

[Notices and Hearings](#)

[New Applications](#)

## Search For:

Year: Sort by:

County:

Township Name:

Twn: Rng: Sec:

Waterbody:

File Number:

## Land and Water Management Division **CIWPIS on line**

### Coastal and Inland Waters Permit Information System

CIWPIS On Line provides summaries of Land/Water Joint Permit applications (JPA) received since 1999. The JPA covers activities regulated under Parts 301, 303, 325, 315, 323 and 353 and Part 31 (Floodplains) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

#### [Information Available](#)

#### [How to perform a Search](#)

#### [Field Entry Tips](#)

#### Information Available...

Search for applications using the search engine on the left for:

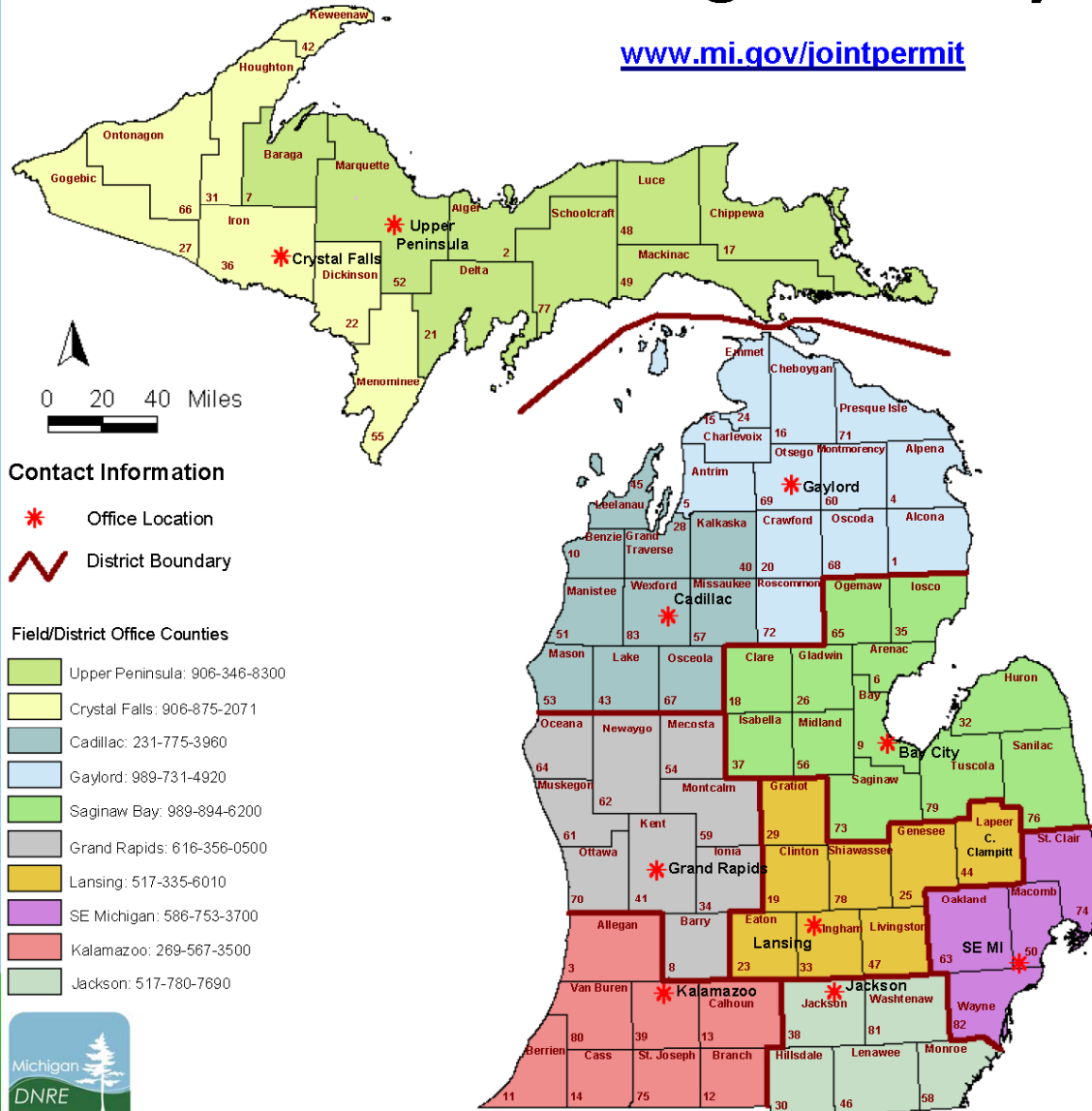
- New applications received (provided in three 2-week groupings)
- A particular file specifying the file number or applicant name (typically

The status of all permit applications are available at  
[www.deq.state.mi.us/ciwpis](http://www.deq.state.mi.us/ciwpis)

# Land/Water Interface Permitting Staff Map

[www.mi.gov/jointpermit](http://www.mi.gov/jointpermit)

Water Resources Division  
field staff can help answer  
your questions about  
shoreline laws.



Upper Peninsula 906-346-8300  
 Crystal Falls 906-875-2071  
 Cadillac 231-775-3960  
 Gaylord 989-731-4920  
 Saginaw Bay 989-894-6200  
 Grand Rapids 616-356-0500  
 Lansing 517-335-6010  
 SE Michigan 586-753-3700  
 Kalamazoo 269-567-3500  
 Jackson 517-780-7690

Water Resources Division

517-373-1170

[www.michigan.gov/dnre](http://www.michigan.gov/dnre)

9/29/2010





# Questions?

## **ADDITIONAL INFORMATION:**

***Inland Lakes and Streams:*** [www.mi.gov/deqinlandlakes](http://www.mi.gov/deqinlandlakes)

***Wetlands:*** [www.mi.gov/wetlands](http://www.mi.gov/wetlands)

***Soil Erosion and Sedimentation Control:*** [www.mi.gov/soilerosion](http://www.mi.gov/soilerosion)

***Permit Application & Instructions:*** [www.mi.gov/jointpermit](http://www.mi.gov/jointpermit)

***CIWPIS Online:*** [www.deq.state.mi.us/ciwpis](http://www.deq.state.mi.us/ciwpis)

***Michigan Natural Shoreline Partnership:***  
[www.mishorelinepartnership.org](http://www.mishorelinepartnership.org)